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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/883,710	06/27/97	WALKER	A RA997020

LM01/0609
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EXAMINER

VU, T

ART UNIT	PAPER NUMBER
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2756

DATE MAILED:

06/09/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/883,710

Applicant(s)

Walker

Examiner

Thong Vu

Group Art Unit

2756

☒ Responsive to communication(s) filed on Mar 29, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed Mar 29, 1999 have been fully considered but they are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. § 102 [b] as being unpatentable over Waclawsky [5,802,302]

As per claim 1, Waclawsky et al disclose *a communication system* or network [col 2 line 32]; *the first information frame* or first messages [col 2 line 37]; *selectively receiving a first response in response to transmission of the first information frame* or second message [col 2 line 38]; *measuring a first amount of time between transmission of the first information frame and receipt of the first response* [col 2 lines 31-35]; *and selectively modifying a response time value in response to the first amount of time* [col 2 line 8]. By this rationale claim 1 is rejected.

As per claim 2, Waclawsky et al disclose *incrementing an initial response time value by a timer* or clock [clock 18] *resolution value, to form the response time value*. By this rationale claim 2 is rejected.

As per claim 3, Waclawsky et al disclose *incremented up to a maximum response time value* [col 2 lines 58-66]. By this rationale claim 3 is rejected.

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As per claim 4 Waclawsky et al disclose *the initial response time value is a default value* or standard format [col 3 line 43]. By this rationale claim 4 is rejected.

As per claim 5, Waclawsky et al disclose *the response time approximates an amount of time the communication system requires to transfer the first information frame between a first data processing system and a second data processing system* [col 2 lines 39-col 3 lines 5]. By this rationale claim 5 is rejected

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. § 103 as being unpatentable over Waclawsky et al [5,802,302] in view of Carlson [5,859,853]

As per claim 6, Waclawsky et al did not teach *the response time value is dynamically modifiable in response to the first amount of time*. However Carlson in his application on Adaptive Packet Training disclosed a mechanism that dynamically adjusts the packet train length to track the packet traffic arrival rate [Carlson col 2 lines 14-16]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the dynamically adjust the packet length into the Waclawsky system to enhance the response time on communication network. By this rationale claim 6 is rejected.

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As per claims 7-19 contain the similar limitations set forth of method claims 1-6.

Therefore, claim 7-19 is rejected for the same rationale set forth claims 1-6.

Conclusion

4. All claims are rejected.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bondi. Network Management System With Improved Node Discovery and Monitoring [USP 5,710,885]

- Clark. Adjusting Encoding Table Size and Memory Allocation For Data Compression in Response to Input Data [USP 5,627,533]

- Bloks. System For Adjusting Timing of Output Data in Response to Potential Discontinuities in A Timing Signal [USP 5,751,721]

- Unekawa. Timeout Process Circuit and Receiver Including This Timeout Process Circuit {USP 5,706,425]

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.

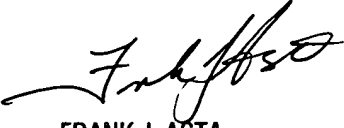
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Frank Asta*, can be reached on (703) 305-3817 or via e-mail addressed to [*Frank.Asta@uspto.gov*]. The fax number for this Group is (703) 308-6606 or 308-5359

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thong.vu@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thong Vu
Jun 5, 1999


FRANK J. ASTA
SUPERVISORY PATENT EXAMINER
GROUP 2700